

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

EXHIBIT  
U

TRACEY WHITE, et al.,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	Cause No. 14-cv-01490-HEA
	)	
THOMAS JACKSON, et al.,	)	
	)	
Defendants.	)	

VIDEO DEPOSITION OF JON BELMAR

Taken on behalf of the Plaintiffs

October 27, 2015

Reported by: Christine A. LePage, CCR #1000

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1           Q     All right. So with regard to -- You were in  
2     command of the incident -- You were the incident commander  
3     beginning on October 11th, correct?

4           A     August 11th.

5           Q     I'm sorry, I keep saying October.

6           A     And we talked about that, but, yes.

7           Q     And that extended to August 14th when I think  
8     the governor made Captain Johnson incident commander,  
9     correct?

10          A     One of two executive orders.

11          Q     All right. So during that period of August 11th  
12     through August 14th -- well, August 13th, you were the  
13     person in charge, right?

14          A     I shared that responsibility with Chief Jackson,  
15     and then I was fortunate enough to have Captain Johnson  
16     and either Colonel Adkins or Major Jones from the  
17     St. Louis Metropolitan police department assist me along  
18     with my commanders.

19          Q     Okay. But you were the ultimate person in this  
20     situation?

21          A     I was, yes.

22          Q     All right. So if -- The folks that were using  
23     force, there were guidelines that you all explained to  
24     them were the parameters in which force were to be used,  
25     correct?

1           A     Yes.

2           Q     And those parameters would have to be consistent  
3 with the Fourth Amendment, correct?

4           A     They would be.

5           Q     And there were parameters in which you all  
6 explained to everyone about arrests, correct?

7           A     Yes, sir.

8           Q     And that would have to be consistent with  
9 probable cause, correct?

10          A     Yes, sir.

11          Q     And so if people were using force that was not  
12 consistent with the Fourth Amendment, that would be a  
13 problem; would you agree?

14          A     If that force was not reasonable, it would be a  
15 problem.

16          Q     All right. And if they were making the arrests  
17 that were not consistent with probable cause, that would  
18 also be a problem, correct?

19          A     Yes, sir.

20          Q     All right. So in terms of arrests, a lot of  
21 arrests were made on the basis of failure to disperse,  
22 correct?

23          A     Yes.

24          Q     I think St. Louis County made 142 during the  
25 period of August 9th through the 25th?

1           A     We were not investigating the internal  
2     justification of whether the shoot actually was involved  
3     in policy, you know, did he -- And most of the time you're  
4     never going to see a variance, but there's the potential  
5     for that.

6           Q     Okay. And you came to a conclusion into your  
7     investigation?

8           A     We documented the facts and circumstances of  
9     this investigation through many means, and we presented  
10    those facts and circumstances to the prosecuting  
11    attorney's office.

12          Q     I see. And the prosecuting attorney determined  
13    whether to go to the grand jury, and the grand jury  
14    determined whether to find probable cause or to return a  
15    true bill?

16          A     And there was also a subsequent parallel  
17    investigation through the Department of Justice.

18          Q     Okay. Thank you. With respect to training,  
19    you've mentioned POST a few times, and I want you to kind  
20    of elaborate on what you testified. Specifically, POST is  
21    something that is mandated by Missouri statute, correct?

22          A     Yes, sir.

23          Q     And specifically Missouri, as a state, and the  
24    state legislature has mandated how many hours one must  
25    take, say, in a police academy in order to become what we

1 call POST certified, correct?

2 A Yes, sir.

3 Q And I believe it's the Department of Public  
4 Safety who puts -- sets forth those protocols?

5 A DPS does through the POST commission.

6 Q Okay. And the -- Do you know the number of  
7 hours --

8 A So if you're already a commissioned police  
9 officer, you have to obtain 48 hours within a 36-month  
10 period, but you can do more than that if you want to, and  
11 you can take training that's not POST certified training,  
12 but you're going to have to get POST certified training in  
13 certain categories within -- 48 hours of that within 36  
14 months, and that is a mandate.

15 Q And that's in order to comply with state  
16 statute, correct?

17 A It's ordered to -- well, and to maintain your  
18 certification.

19 Q And with respect to training programs -- We'll  
20 stop right here.

21 MR. PLUNKERT: How much time do we have left?

22 THE VIDEOGRAPHER: I can give you four.

23 Q (by Mr. Plunkert) Okay. With respect to  
24 training programs, you mentioned that some may not be POST  
25 certified, but if you're going to get your credits for 36

1 hours of continuing education, those would have to be  
2 accredited through POST?

3 A To be credited to POST, yes. It doesn't mean  
4 the training that you would receive that wasn't POST  
5 certified wouldn't be good training, it's just that, you  
6 know, you certainly want to make sure you hit your  
7 markers.

8 Q And in order for a program to be accredited by  
9 POST, are you familiar with the process?

10 A Yeah. So you're going to have to either give an  
11 outline of a lesson plan or the actual lesson plan, and  
12 you're also going to have to get -- I don't think they say  
13 it this way, but the outcomes of the lesson plan. So in  
14 other words, you have to demonstrate to POST, and we do  
15 ours through the academy and they give it to POST, that  
16 this is the outline of our lesson plan, this is what we  
17 want the student to understand, and this is the goal that  
18 we hope to get from this, this is who the instructor is,  
19 and this is why the instructor has any business whatsoever  
20 teaching this class.

21 Q Now, it's the responsibility of the State of  
22 Missouri to determine the coursework and the accreditation  
23 of the training, correct?

24 A I don't know if they always determine -- Well,  
25 yeah, the answer's yes, I mean, you have to get it in

1 certain categories, legal, interpersonal, stuff like that.

2 Q And that's in order, again, that's in order for  
3 an officer to keep the officer's license to be a law  
4 enforcement officer, correct?

5 A Yes, sir.

6 Q And as chief, you require that your officers  
7 maintain that continuing education with the State of  
8 Missouri, correct?

9 A Yes, sir.

10 Q Let's see. Sir --

11 MR. PLUNKERT: Well, why don't we change tapes?

12 THE VIDEOGRAPHER: Okay. We're going off the  
13 record at 4:45 p.m.

14 (Whereupon a six-minute recess was taken.)

15 THE VIDEOGRAPHER: Okay. We're back on the  
16 record at 4:51 p.m.

17 Q (by Mr. Plunkert) Chief, just to wrap up our  
18 conversation regarding training, the Missouri Department  
19 of Public Safety also sets forth the curriculum for the  
20 continuing education and gives certain topics; is that  
21 correct?

22 A Yeah, we talked about that briefly, criminal  
23 law, skill development, I forgot the other one, I just  
24 said it a minute ago, but interpersonal relations, things  
25 such as that.